

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/041,571	MYERS ET AL.	
	Examiner Ovidio Escalante	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/16/05.
2.  The allowed claim(s) is/are 1-23.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the Board of Patent Appeals and Interferences decision filed on November 16, 2005. **Claims 1-23** are now pending in the present application.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: the application is allowable for the reasons set forth on pages 2-6 of the BPAI decision filed on November 16, 2005 and in view of the Appeal Brief/Reply Brief filed on August 23, 2004 and February 24, 2005 respectively.

*Regarding claims 1,7,12 and 18,* as noted therein, the claimed invention requires *inter alia* annotating audible messages that are received by a subscriber of a unified communications network comprising enabling the subscriber to access plural messages and a notes field that enables the subscriber to annotate the plural messages during playback of the messages and a message forwarder that forwards audible messages and enables the annotations associated with the plural audible messages to be forwarded at the option of the subscriber whereas the closest prior art Gupta teaches of a message presentation form that enables a subscriber to access plural messages and a notes field that enables the subscriber to annotate the audible message during play back of the audible message.

While Gupta suggests of allowing the message along with the annotations to be heard by a second party that is remote from the subscriber at the option of the subscriber and while Becker, which is the secondary reference relied upon for the teaching of a message forwarder that forwards annotations at the option of the user, Applicant's arguments and the BPAI decision

states that there is no teaching, suggestion or hint of a message forwarder in Wilcox and thus there is no reason or suggestion to combine Gupta with a secondary reference.

Gupta et al. US Patent 6,956,593, newly cited, teaches of a user interface which allows a user to annotate audible messages that are received by a subscriber during playback of a message and a message forwarder that enables the forwarding of audible messages. Gupta does not clearly teach that the subscriber has the option to send the annotations. Gupta teaches that messages that are annotated, and are subsequently sent, always include the annotations, thus there is no “option”, for both sending and not sending the annotations along with the audible messages, therefore Gupta does not met all of the allowed claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

3. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE  
PATENT EXAMINER**

*Ovidio Escalante*

Ovidio Escalante  
Primary Patent Examiner  
Group 2645  
January 23, 2006

O.E./oe